

01/13/00

36644 U.S. PTO

Please type a plus sign (+) inside this box

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

23925-4

Total Pages

26

First Named Inventor: Paul T. Gardiner

Title: Food Supplement for Increasing Lean Mass and Strength

Express Mail Label No.

EL528222672US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. ☒ Utility Patent Application Transmittal [Total Pages: 2]
2. ☒ Specification, Claims and Abstract [Total Pages: 21]
3. ☐ Drawing(s) (35 USC 113) [Total Sheets: ☐
4. Oath or Declaration [Total Pages: 3]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 21 completed) [Note Box 5 below]
    - i. ☐ DELETION OF INVENTORS  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

Assistant Commissioner for Patents

ADDRESSED TO: Box Patent Application  
Washington, DC 20231

6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer readable copy
  - b. ☐ Paper copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

## Accompanying Application Parts

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS/PTO-1449)
  - ☐ Copies of Citations
12. ☒ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
14. ☒ Two Small Entity Statement: 1) Independent Inventor; 2) Small Business Concern
  - ☐ Statement(s) filed in prior application, Status still proper and desired
15. ☐ Certified Copy of Priority Document(s)
16. ☐ Other: \_\_\_\_\_

## 17. FEE CALCULATION

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	57 -20 =	37	x \$18 =	\$ 740.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	14 -3 =	11	x \$78 =	\$ 858.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ _____ =	
				BASIC FEE (37 CFR 1.16(a))	690.00
				Total of above Calculations =	\$2288.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.19, 1.27, 1.28)				\$1144.00
	TOTAL =				\$1144.00

18. ☐ Please charge Deposit Account No. 04-1133 in the amount of \$ \_\_\_\_\_.
19. ☒ A check in the amount of \$1,144.00 is enclosed.
20. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 04-1133:
- a. ☐ Fees required under 37 CFR 1.16
  - b. ☐ Fees required under 37 CFR 1.17.
  - c. ☐ Fees required under 37 CFR 1.18.

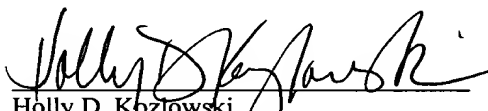
21. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:
- ☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No. 09/420,439, filed October 18, 1999.

## 22. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label or ☒ Correspondence Address Below

Name	Holly D. Kozlowski				
	Dinsmore & Shohl LLP				
Address	1900 Chemed Center				
	255 East Fifth Street				
City	Cincinnati	State	OH	Zip Code	45202
Country	USA	Telephone	513-977-8568	Fax	513-977-8141

Respectfully submitted,

  
Holly D. Kozlowski  
Registration No. 30,468  
Attorney for Applicant(s)  
Dinsmore & Shohl LLP  
1900 Chemed Center  
255 E. Fifth Street  
Cincinnati, OH 45202  
(513) 977-8568

### CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label #: EL528222672US

Date of Deposit: January 13, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Box Patent Application; Assistant Commissioner for Patents; Washington, DC 20231.

521990.01